

_0 Valuation of Security

_0 Assumption of Executory Contract or Unexpired Lease

0 _Lien Avoidance

Last revised: September 1, 2018

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In Re: Alfredo Chao & Chris Anne Chao

Case No.: 18-24434

Debtor(s)

Judge: Papalia

Chapter 13 Plan and Motions

☐ Original

☐ Modified/Notice Required

☐ Motions Included

☒ Modified/No Notice Required

Date: 03/04/2019

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan* which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULTS IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: JLM

Initial Debtor: AC

Initial Co-Debtor: CAC

Part 1: Payment and Length of Plan

- a. The debtor shall pay \$3,466 per Month to the Chapter 13 Trustee, starting on August 1, 2018 for approximately 60 months.
- b. The debtor shall make plan payments to the Trustee from the following sources:
- ☒ Future earnings
- ☐ Other sources of funding (describe source, amount and date when funds are available):
- c. Use of real property to satisfy plan obligations:
- ☐ Sale of real property
- Description: _____
- Proposed date for completion: _____
- ☐ Refinance of real property:
- Description: _____
- Proposed date for completion: _____
- ☐ Loan modification with respect to mortgage encumbering property:
- Description: _____
- Proposed date for completion: _____
- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection ☐ None

- a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).
- b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

- a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE	ADMINISTRATIVE	BALANCE DUE: \$2,500.00
State of New Jersey - Department of the Treasury	Tax Obligation	\$14,102.32

- b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount: Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid

Part 4: Secured Claims**a. Curing Default and Maintaining Payments on Principal Residence**☒ **NONE**

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)					

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears:☐ **NONE**

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)					
Ditech	2701 Palisade Avenue	\$94,000	4.00%	\$97,760	\$2,944.84					
Sheraton Vistana Villages	Bella Florida Cond	\$53.48	14.90%	\$61.45	\$235.58					

c. Secured claims excluded from 11 U.S.C. 506:☒ **NONE**

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid Through the Plan Including Interest Calculation

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments☒ **NONE**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender

☐ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C. 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
Nationstar Mortgage, LLC	279 Highland Ave.	\$465,000	N/A (No unsecured claim until Nationstar forecloses on property)

f. Secured Claims Unaffected by the Plan ☐ NONE

The following secured claims are unaffected by the Plan:

Santander

Disney Time Share

g. Secured Claims to be Paid in Full Through the Plan: ☐ NONE

Creditor	Collateral	Total Amount to be Paid Through the Plan
Internal Revenue Service	2701 Palisade Ave.	\$55,829.27
North Hudson Sewerage Authority	2701 Palisade Ave.	\$6030.54
City of Union City	2701 Palisade Ave.	\$3,163.00

Part 5: Unsecured Claims

☒ NONE

a. Not separately classified allowed non-priority unsecured claims shall be paid:

☒ Not less than 100.00% percent

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis of Separate Classification	Treatment	Amount to be Paid

Part 6: Executory Contracts and Unexpired Leases

☒ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment

Part 7: Motions ☒ **NONE**

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f). ☒ **NONE**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
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b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Schedule Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☐ **NONE**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions**a. Vesting of Property of the Estate**

☒ Upon confirmation

☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee commissions
- 2) Priority Claims
- 3) Secured Claims
- 4) Unsecured Claims

d. Post-Petition Claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☐ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: 10/31/2018

Explain below **why** the plan is being modified:

Debtors cannot resolve Nationstar's mortgage arrears in plan so debt is being treated as surrendered.

Explain below **how** the plan is being modified:

Treatment of Nationstar's arrears are changed from cured by modification to surrendered.

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

Part 10: Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, Chapter 13 Plan and Motions, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: 03/11/2019

/s/ Alfredo F. Chao

Debtor

Date: 03/11/2019

/s/ Chris Anne Chao

Joint Debtor

Date: 03/11/2019

/s/ Javier Merino

Attorney for the Debtor

Certificate of Notice Page 7 of 8
 United States Bankruptcy Court
 District of New Jersey

In re:
 Alfredo F. Chao
 Chris Anne Chao
 Debtors

Case No. 18-24434-VFP
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 45

Date Rcvd: Mar 15, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 17, 2019.

db/jdb
 cr +Alfredo F. Chao, Chris Anne Chao, 279 Highland Avenue, Wood Ridge, NJ 07075-1523
 +City of Union City, Joel R. Glucksman, Esq., Scarinci & Hollenbeck,
 1100 Valley Brook Avenue, PO Box 790, Lyndhurst, NJ 07071-0790
 cr +Kohl's, Attn: Beckett and Lee LLP, PO Box 3001, Malvern, PA 19355-0701
 cr +Nationstar Mortgage LLC d/b/a Mr. Cooper as servicer, Stern, Lavinthal & Frankenberg, LLC,
 105 Eisenhower Parkway, Suite 302, Roseland, NJ 07068-1640
 517652824 +Active Orthopedic & Sports Medicine, attn: BILLING, 440 Old Hook Rd.,
 Emerson, NJ 07630-1331
 517652826 +Ashwood Fin, 1303 Stadium Ave, Indianapolis, IN 46202
 517678011 +City of Union City, c/o Joel R. Glucksman, Esq., Scarinci & Hollenbeck, LLC,
 1100 Valley Brook Avenue, Lyndhurst, NJ 07071-3620
 517652832 +DVCMC Association Manager, PO Box 470727, Celebration, FL 34747-0727
 517652834 Ditech, 345 St. Peter Street, Paul, MN 55102
 517652836 +Hackensack Foot and Ankle Center, 24 Bergen St. Ste. 1, Hackensack, NJ 07601-5461
 517863681 Kohl's, c/o Beckett and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 517703916 LEHMAN XS TRUST MORTGAGE PASS-THROUGH CERTIFICATES, Nationstar Mortgage LLC d/b/a Mr. Cooper,
 Attn: Bankruptcy Department, PO Box 6190, Dallas, TX 75261-9741
 517652840 +Mr. Cooper, 8950 Cypress Waters Blvd, Coppell, TX 75019-4620
 517652841 +Nationwide Credit, Inc., PO Box 14581, Des Moines, IA 50306-3581
 517652842 +North Hudson Sewerage Authority, 1600 Adams St., Hoboken, NJ 07030-2304
 517652843 +PSE&G Co., PO Box 14444, New Brunswick, NJ 08906-4444
 517652844 QVC Inc. Easy Pay, Customer Service, 1200 Wilson Drive at Studio Park,
 West Chester, PA 19380
 517704344 +SANTANDER CONSUMER USA, P.O. Box 961245, Fort Worth, TX 76161-0244
 517956799 +STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,
 TRENTON NJ 08646-0245
 (address filed with court: State of New Jersey, Department of Treasury,
 Division of Taxation, PO Box 245, Trenton, NJ 08695-0245)
 517652845 +Santander, PO Box 961245, Fort Worth, TX 76161-0244
 517652847 Sheraton Vistana Villages Resort Villas, 2401 International Dr., Orlando, FL 32821
 517652851 +Spring OB/GYN, PC, PO Box 14099, Belfast, ME 04915-4034
 517652852 +State of New Jersey - Department of the Treas, Division of Taxation, PO box 1018,
 Moorestown, NJ 08057-0018
 517724543 +VSE Vistana Villages, Inc., 9002 San Marco Court, Orlando, FL. 32819-8600

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Mar 16 2019 01:16:37 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Mar 16 2019 01:16:32 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 517652825 +E-mail/Text: bankruptcy@acbhq.com Mar 16 2019 01:15:54 American Cb, 1200 N Federal Hwy,
 Boca Raton, FL 33432-2803
 517768361 E-mail/PDF: resurgentbknofications@resurgent.com Mar 16 2019 01:22:44
 Ashley Funding Services, LLC its successors and, assigns as assignee of Laboratory,
 Corporation of America Holdings, Resurgent Capital Services, PO Box 10587,
 Greenville, SC 29603-0587
 517652827 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Mar 16 2019 01:12:14 Cap One,
 PO Box 85015, Richmond, VA 23285-5075
 517725228 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Mar 16 2019 01:12:16
 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 517652828 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Mar 16 2019 01:16:14 Cb/Avenue, PO Box 182789,
 Columbus, OH 43218-2789
 517652829 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Mar 16 2019 01:16:14 Cb/Vicscrt,
 220 W Schrock Rd, Westerville, OH 43081-2873
 517652831 +E-mail/PDF: creditonebknofications@resurgent.com Mar 16 2019 01:10:57 Creditonebnk,
 PO Box 98872, Las Vegas, NV 89193-8872
 517652833 E-mail/Text: mrdiscen@discover.com Mar 16 2019 01:15:16 Discoverbank, POB 15316,
 Wilmington, DE 19850
 517760213 +E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Mar 16 2019 01:23:03 Directv, LLC,
 by American InfoSource as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901
 517663227 E-mail/Text: mrdiscen@discover.com Mar 16 2019 01:15:16 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 517781023 E-mail/Text: bankruptcy.bnc@ditech.com Mar 16 2019 01:16:02 Ditech Financial LLC,
 P.O. Box 6154, Rapid City, SD 57709-6154
 517652837 +E-mail/Text: cio.bncmail@irs.gov Mar 16 2019 01:15:51 Internal Revenue Service,
 PO Box 7346, Philadelphia, PA 19101-7346
 517726390 E-mail/PDF: resurgentbknofications@resurgent.com Mar 16 2019 01:11:01
 LVNV Funding, LLC its successors and assigns as, assignee of MHC Receivables, LLC and,
 FNBM, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 517850612 +E-mail/Text: bankruptcy@pseg.com Mar 16 2019 01:15:12 PSE&G, Attn: Bankruptcy Dept.,
 PO Box 490, Cranford NJ 07016-0490

District/off: 0312-2

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 45

Date Rcvd: Mar 15, 2019

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

517766023 E-mail/Text: bnc-quantum@quantum3group.com Mar 16 2019 01:16:22
Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788
517652848 +E-mail/Text: newyork.bnc@ssa.gov Mar 16 2019 01:17:11 Social Security Administration,
Mid-Atlantic Program Service Center, 300 Spring Garden St., Philadelphia, PA 19123-2992
517652850 +E-mail/Text: newyork.bnc@ssa.gov Mar 16 2019 01:17:11 Social Security Administration,
935 ALLWOOD RD, Clifton, NJ 07012-1997
517652849 +E-mail/Text: newyork.bnc@ssa.gov Mar 16 2019 01:17:11 Social Security Administration,
Office of the General Counsel, Region II, 26 Federal Plaza, Room 3904,
New York, NY 10278-4199
517652853 +E-mail/Text: bankruptcydepartment@tsico.com Mar 16 2019 01:17:34 Transworld Systems, Inc.,
500 Virginia Dr. Ste. 514, Fort Washington, PA 19034-2707

TOTAL: 21

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

517652830 Collbureau
517652835 Erc
517652838 Jeffcapsys
517652839 Kohls/Capl
517652846 Sheraton Vista Villages

TOTALS: 5, * 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 17, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 14, 2019 at the address(es) listed below:

Charles G. Wohlrab on behalf of Creditor LEHMAN XS TRUST MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-15, U.S. Bank National Association, as Trustee, successor in interest to Bank of America National Association, as Trustee, successor by cwohlab@logs.com, njbankruptcynotifications@logs.com
Denise E. Carlon on behalf of Creditor DITECH FINANCIAL LLC dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Javier L. Merino on behalf of Joint Debtor Chris Anne Chao jmerino@dannlaw.com, notices@dannlaw.com;mdann@dannlaw.com;bfflick@dannlaw.com;edwardo@dannlaw.com;9497659420@filings.docketbird.com;Amy@DannLaw.com
Javier L. Merino on behalf of Debtor Alfredo F. Chao jmerino@dannlaw.com, notices@dannlaw.com;mdann@dannlaw.com;bfflick@dannlaw.com;edwardo@dannlaw.com;9497659420@filings.docketbird.com;Amy@DannLaw.com
Jeanette F. Frankenberg on behalf of Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper as servicer for U.S. Bank National Association, as Trustee, Successor in Interest to Bank of America National Association, as Trustee, Successor by Merger to cmecf@sternlav.com
Joel R. Glucksman on behalf of Creditor City of Union City jglucksman@sh-law.com
Marie-Ann Greenberg magecf@magtrustee.com
Rebecca Ann Solarz on behalf of Creditor DITECH FINANCIAL LLC rsolarz@kmlawgroup.com
Sindi Mncina on behalf of Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper as servicer for U.S. Bank National Association, as Trustee, Successor in Interest to Bank of America National Association, as Trustee, Successor by Merger to smncina@rascrane.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 10